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10 ALEXANDER BAYONNE STROSS

11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

13 ALEXANDER BAYONNE STROSS,

14 Plaintiff,

15 vs.

16 HANLEY-WOOD, LLC DBA
17 HOUSEPLANS.COM,

18 Defendant.

19 **Case Number:**

20 **Copyright Infringement**

21 **Demand for Jury Trial**

22 **COMPLAINT FOR COPYRIGHT INFRINGEMENT**
(INJUNCTIVE RELIEF DEMANDED)

23 Plaintiff ALEXANDER BAYONNE STROSS by and through his undersigned
24 counsel, hereby brings this Complaint against Defendant HANLEY-WOOD, LLC DBA
HOUSEPLANS.COM for damages and injunctive relief, and in support thereof states as
follows:

25 **SUMMARY OF THE ACTION**

26 1. Plaintiff ALEXANDER BAYONNE STROSS (“Stross”) brings this
action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to
copy and distribute Stross’ original copyrighted works of authorship.

1 2. Stross is the owner and principal photographer of Stross Stock. After
2 traveling the world with his camera, creating thousands of high-quality photographs, the
3 natural next step was to offer the public means to license his Work. Each photo on Stross
4 Stock is shot with top-quality equipment, thoughtfully produced, hand selected, and
5 tastefully edited before being made available to the public.

6 3. Stross is a native of Austin, Texas, and watched the small city grow and
7 develop into an urban hot spot. This served as his inspiration to become a photographer,
8 centering his expertise on complicated architectural photography and landscape
9 photography. In 2016, Stross was nominated and accepted as a professional member of
10 the American Society of Media Photographers, which is a high honor. Stross received a
11 B.S. in Computer Science at the University of Texas at Austin and has since combined
12 his love for the photographic arts and computer science by building an online system to
13 help protect artists' works on the internet.

14 4. Defendant HANLEY-WOOD, LLC DBA HOUSEPLANS.COM
15 ("Hanley") offers tens of thousands of home, cottage, garage plans and more, many from
16 world-renowned architects, making the once-expensive, and complex process of
17 designing or renovating your home simple and affordable. Their plans are functional and
18 customizable, and their service will guide anyone through the home design process to be
19 able to achieve their dream home. Customers can search the largest inventory of home
20 plans and floor plans available for purchase. Save the plans that interest them to gather
21 ideas, communicate with builders or to refine ideas. And customize any plan to suit their
22 site, budget or any other criteria. At all times relevant to herein, Hanley-Wood, LLC dba
23 houseplans.com is the owner of the website located at the URL
24 "<https://www.houseplans.com/>" (the "Website").

25 5. Stross alleges that Hanley copied Stross' copyrighted work from the
26 internet in order to advertise, market and promote its business activities. Hanley
27 committed the violations alleged in connection with Hanley's business for purposes of
28

1 advertising and promoting sales to the public in the course and scope of Hanley's
2 business.

3 **JURISDICTION AND VENUE**

4 6. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

5 7. This Court has subject matter jurisdiction over these claims pursuant to 28
6 U.S.C. §§ 1331, 1338(a).

7 8. Hanley is subject to personal jurisdiction in California.

8 9. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and
9 1400(a) because the events giving rise to the claims occurred in this district, Defendant
10 engaged in infringement in this district, Defendant resides in this district, and Defendant
11 is subject to personal jurisdiction in this district.

12 **DEFENDANT**

13 10. Hanley-Wood, LLC dba houseplans.com is a Delaware limited liability
14 company with its place of business at 617 2nd Street, Petaluma, CA 94952, and can be
15 served by serving its Registered Agent, Capitol Corporate Services, Inc. at 455 Capitol
16 Mall Complex, Suite 217, Sacramento, CA 95814.

17 **THE COPYRIGHTED WORK AT ISSUE**

18 11. In 2012, Stross created a photograph entitled "skyline_for MLS-12.jpg",
19 which is shown below and referred to herein as the "Work".



12. Stross registered the Work with the Register of Copyrights on December 21, 2012 and was assigned the registration number VAu 1-126-950. The Certificate of Registration is attached hereto as Exhibit 1.

13. At all relevant times Stross was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANT

14. Hanley has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Hanley copied the Work.

16. Hanley copied Stross' copyrighted Work without Stross' permission.

17. After Hanley copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of home plan design and sale business.

18. Hanley copied and distributed Stross' copyrighted Work in connection with Hanley's business for purposes of advertising and promoting Hanley's business, and in the course and scope of advertising and selling products and services.

19. Stross' Work is protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

20. Hanley committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2

21. Stross never gave Hanley permission or authority to copy, distribute or display the Work at issue in this case.

COUNT I

COPYRIGHT INFRINGEMENT

22. Plaintiff incorporates the allegations of paragraphs 1 through 21 of this Complaint as if fully set forth herein.

23. Stross owns a valid copyright in the Work at issue in this case.

24. Stross registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

25. Hanley copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Stross' authorization in violation of 17 U.S.C. § 501.

26. Hanley performed the acts alleged in the course and scope of its business activities.

27. Hanley's acts were willful.

28. Stross has been damaged.

29. The harm caused to Stross has been irreparable.

WHEREFORE, Plaintiff prays for judgment against the Defendant Hanley-Wood, LLC dba houseplans.com that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff his actual damages and Defendant's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon; and

d. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: May 8, 2020

/s/ Jonah A. Grossbardt
JONAH A. GROSSBARDT
SRIPLAW
Attorneys for Plaintiff Alexander Bayonne
Stross